

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. Claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-57 stand rejected.

Rejections under 35 U.S.C. §103

Claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-57 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,493,695 to Pickering et al. in view of U.S. Pat. No. 6,366,575 to Barkan et al. and U.S. Pat. No. 5,903,641 to Tonisson. Applicant respectfully traverses this rejection.

It is noted first that independent claims 1, 22 and 32 are limited to "reassigning a first agent from a first task to a second task responsive to the determining the system overloaded condition". The Examiner admits that "Pickering in view of Barkan does not explicitly disclose . . . reassigning a first agent from a first task to a second task responsive to the determining the system is overloaded condition" (Office Action of 8/17/06, page 4).

In this regard, the Examiner asserts "Tonisson discloses an automatic dynamic changing of agents' call-handling assignments comprising . . . reassigning a first agent from a first task to a second task responsive to the determining the system overloaded condition (abstract, col. 1, lines 40-67, col. 2, lines 1-14 and col. 9, lines 11-22)" (Office Action of 8/17/06, page 4).

It should be noted next, that the "from" and "to" context of the claim clearly indicates that after the reassignment, the first agent is no longer assigned to the first task and, instead, is then assigned to the second task. The specification makes this even more explicit with the statement that "the 'check systems status' workflow interrupts agents,

requesting that they abandon one task for another that has become more important” (specification, page 6, lines 4-5). However, Tonisson fails to provide any similar requirement for re-assigning agents.

For example, the Abstract refers to adjusting “agents’ call-handling assignments, for example, by changing the skills to which an agent is assigned or by changing the relative priorities of the agents’ skills” (Tonisson, Abstract, lines 7-9). However, in this context, the term “agents’ call-handling assignments” clearly refers to the status of an agent and not to any actual activity of an agent.

Similarly, Tonisson states that “agents may need to be reassigned to different skills (i.e., to handling calls requiring different ones of the skills possessed by the agents)” (Tonisson, col. 2, lines 42-44). In this case, the reference is to skills that may results in tasks. In addition, the reference is prospective and again refers to the status of an agent rather than to any re-assignment of tasks.

Tonisson provides an arrangement that “automatically adjusts agents’ call-handling assignments—for example, by changing the skills to which an agent is assigned (logged into) or by changing the relative priorities (levels of expertise) of the agent’s skills—in order to optimize a predefined objective or objectives” (Tonisson, col. 2, lines 3-8). Once more, the reference is directed to adjusting agents’ skills that may result in tasks, not to the tasks themselves.

Tonisson asserts that “The intention is that the skill levels $L_{S,a}$ should not need to change very often, as they represent expertise (levels of ability) of the agents in each skill” (Tonisson, col. 9, lines 12-14). In this case, the reference clearly establishes that the reassignment has to do with qualifications of the agents, not with tasks being performed by an agent.

Since the Tonisson re-assignment has to do with levels of skills, instead of tasks, Tonisson fails to provide any teaching or suggestion of "reassigning a first agent from a first task to a second task responsive to the determining the system overloaded condition." As noted above, the Examiner admits that Pickering and Barkan et al. fail to teach this claim element. Since Tonisson also fails to teach or suggest this claim element, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance.

Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By: 

Jon P. Christensen
Registration No. 34,137

Date: September 25, 2006
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500